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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,970	01/29/2004	Kent Pedersen	939-011677-US (PAR)	4331

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PERMAN & GREEN
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EXAMINER	
SHEDRICK, CHARLES TERRELL	
ART UNIT	**PAPER NUMBER**
2687	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/766,970	PEDERSEN ET AL.	
	Examiner	Art Unit	
	Charles Shedrick	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-18 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 29 January 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claim **16-19** been renumbered **15-18**.

- The original Claim 16 has been renumbered a claim 15
- The original Claim 17 has been renumbered a claim 16
- The original Claim 18 has been renumbered a claim 17
- The original Claim 19 has been renumbered a claim 18

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Terry **US Patent Publication No.: 2004/0009786 A1.**

Consider **claim 1**, Terry clearly show and disclose a method of controlling (**paragraph 0039**) the operation of a mobile communication network **600,700**, and **1000** (**figures 6, 7, and 10 respectively**) mobile station (i.e., Wireless Transmit Receive Unit

WTRU) **605, 705**, and **1005 (figures 6, 7, and 10 respectively)**, the method comprising transmitting a transport format combination command signal (i.e., a signal informing a transport format selection process or a signal indicating the need for control signaling which uses the transport format combination) to a mobile station in a transport channel **(abstract, paragraphs 0019-0020, 0043, 0052 –0057, and claim 18f)** wherein said transport channel is combined (i.e., multiplexed) with and transmitted with at least one other transport channel (i.e., this is also well known in various 3G systems as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056**).

Consider claim 2 and **as applied to claim 1 above**, Terry clearly show and disclose a method according to claim 1, wherein only commands are carried in the transport channel carrying the transport format combination command signal (i.e., Terry recognizes unique transport channels to handle signaling requirements and that individual transmissions on transport channels exist. Furthermore, Terry recognizes utilizing dedicated channels for signaling and illustrates a like concept in figure 8) (**paragraphs 0042,0044,and 0048**).

Consider claim 3 and **as applied to claim 2 above**, Terry clearly show and disclose a method, including receiving a received signal quality report **420** (**figure 4**)(i.e., a channel quality indicator) from said mobile station (i.e., Wireless Transmit Receive Unit WTRU) **405** (**figures 4**) and generating the transport format combination command signal in dependence on the received signal quality report (i.e., the uplinks and downlinks are adjusted based on the CRC CQI (**paragraphs 0012, 0034, and 0039**).

Consider **claim 4**, Terry clearly show and disclose a mobile communication network infrastructure apparatus **610** (**figure 6**) comprising processing means (i.e.,

contained w/ in 610 of figure 6) and transmitter means (contained w/in 610 figure 6 in order to transmit to the WTRU 605 of figure 6), wherein the processing means is configured for generating a transport format combination command signal (**abstract, paragraphs 0019-0020, 0043, 0052 –0057, and claim 18f**), processing the transport format combination command signal in a transport channel(**abstract, paragraphs 0019-0020, 0043, 0052 –0057, and claim 18f**), combining said transport channel with at least one other transport channel to produce a combined signal (i.e., multiplex) and supplying the combined signal to the transmitter means for transmission to a mobile station (**WTRU 605 of figure 6**) (i.e., this is also well known in various 3G systems as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056**).

Consider **claim 5** and **as applied to claim 4 above**, Terry clearly show and disclose an apparatus according to claim 4, wherein the processing means is configured such that only commands are carried in the transport channel carrying the transport format combination command signal (i.e., Terry recognizes unique transport channels to handle signaling requirements and that individual transmissions on transport channels exist. Furthermore, Terry recognizes utilizing dedicated channels for signaling and illustrates a like concept in figure 8) (**paragraphs 0044,0044, and 0048**).

Consider **claim 6** and **as applied to claim 5 above**, Terry clearly show and disclose an apparatus according to claim 5, including receiving means (contained w/in 610 figure 6 in order to receive CQI from the WTRU 605 of figure 6) for receiving a received signal quality report (i.e., Channel quality indicator) from a mobile station (i.e., WTRU), wherein the processing means is configured for generating a transport format combination command signal for said mobile station in dependence on the received

signal quality report (i.e., the uplinks and downlinks are adjusted based on the CRC CQI (**paragraphs 0012, 0034, and 0039**).

Consider **claim 7**, Terry clearly show and disclose a method of operating a mobile station in a mobile communications network, the method comprising receiving a transport format combination command in a transport channel (i.e., a signal received by the WTRU informing a transport format selection process or a signal indicating the need for control signaling which uses the transport format combination) (**abstract, paragraphs 0019-0020, 0043, 0052 –0057, and claim 18f**) and using the transport format combination commanded by said command for a subsequent transmission of speech and/or data signals (i.e., this is also well known in various 3G systems as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056**).

Consider **claim 8** and **as applied to claim 7 above**, Terry clearly show and disclose a method according to claim 7, including determining the quality of a received downlink signal (i.e., the methods proposed by Terry applies to both the uplink and downlink)(**paragraphs 0002, 0029, 0035, 0040 and 0042, figure 7**) and transmitting a report of said quality in a transport channel, wherein said transport channel is combined with (i.e., multiplexed) and transmitted with at least one other transport channel (i.e., this is also well known in various 3G systems as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056**).

Consider **claim 9**, Terry clearly show a mobile station (i.e., Wireless Transmit Receive Unit WTRU) **605, 705**, and **1005 (figures 6, 7, and 10 respectively)** for a mobile communications network **600,700**, and **1000 (figures 6, 7, and 10 respectively)**, the mobile station comprising processing means and transceiving means, wherein the

processing means is configured for using a transport format combination, specified in a transport channel received by the receiving means, for subsequent transmission of speech and/or data signals (**abstract, paragraphs 0019-0020, 0043, 0052 –0057, and claim 17**).

Consider **claim 10** and **as applied to claim 9** mobile station (i.e., Wireless Transmit Receive Unit WTRU) **605, 705**, and **1005 (figures 6, 7, and 10 respectively)** according to claim 9, wherein the processing means (i.e., contained w/in the WTRU) is configured for determining the quality of a downlink signal received by the transceiving means (i.e., the methods proposed by Terry applies to both the uplink and downlink)(**paragraphs 0002, 0029, 0035, 0040 and 0042, figure 7**), supplying an indication of said quality to a transport channel(i.e., the methods proposed by Terry applies to both the uplink and downlink)(**paragraphs 0002, 0029, 0035, 0040 and 0042, figure 7**) , combining (i.e., multiplex) said transport channel with at least one other transport channel to produce a combined signal and causing the transceiving means to transmit said combined signal(i.e., this is also well known in various 3G systems as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056, claim 17**) .

Consider **claim 11**, Terry clearly show and disclose a method of operating a mobile communication network **600,700**, and **1000 (figures 6, 7, and 10 respectively)** the method comprising: transmitting a transport format combination command signal to a mobile station in a transport channel(i.e., a signal informing a transport format selection process or a signal indicating the need for control signaling which uses the transport format combination) (**abstract, paragraphs 0019-0020, 0043, 0052 –0057, and claim 18f**), said transport channel being combined (i.e., multiplexed) with and transmitted with at least one other transport channel(i.e., this is also well known in various 3G systems as

point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056, claim 17**); and receiving said transport format combination command at a mobile station (i.e., WTRU) **605, 705**, and **1005 (figures 6, 7, and 10 respectively)** and using the transport format combination commanded by said command for a subsequent transmission of speech and/or data signals by the mobile station(i.e., this is also well known in various 3G systems as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056**).

Consider claim 12 and **as applied to claim 11 above**, Terry clearly show and disclose a method according to claim 11, wherein only commands are carried in the transport channel carrying the transport format combination command signal (i.e., Terry recognizes unique transport channels to handle signaling requirements and that individual transmissions on transport channels exist. Furthermore, Terry recognizes utilizing dedicated channels for signaling and illustrates a like concept in figure 8) (**paragraphs 0044,0042,and 0048**).

Consider **claim 13 and as applied to claim 11 above**, Terry clearly show and disclose a method according to claim 11, including determining the quality of a received downlink signal at the mobile station (i.e., Wireless Transmit Receive Unit WTRU) **605, 705**, and **1005 (figures 6, 7, and 10 respectively)** (i.e., the methods proposed by Terry applies to both the uplink and downlink) (**paragraphs 0002, 0029, 0035, 0040 and 0042, figure 7**) and transmitting a report of said quality in a transport channel (i.e., the methods proposed by Terry applies to both the uplink and downlink)(**paragraphs 0002, 0029, 0035, 0040 and 0042, figure 7**), wherein said transport channel is combined with and transmitted with at least one other transport channel (i.e., this is also well known in

various 3G systems as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056, claim 17**).

Consider claim 14 and **as applied to claim 13 above**, Terry clearly show and disclose a method, including receiving a received signal quality report **420** (**figure 4**)(i.e., a channel quality indicator) from said mobile station (i.e., Wireless Transmit Receive Unit WTRU) **405** (**figures 4**) and generating the transport format combination command signal in dependence on the received signal quality report (i.e., the uplinks and downlinks are adjusted based on the CRC CQI (**paragraphs 0012, 0034, and 0039**).

Consider **claim 15**, Terry clearly show and disclose a mobile communication network **600,700**, and **1000** (**figures 6, 7, and 10 respectively**) including: an infrastructure apparatus **610** (**figure 6**) comprising: processing means (i.e., contained w/ in 610 of figure 6) and transmitter means (contained w/in 610 figure 6 in order to transmit to the WTRU 605 of figure 6), the processing means being configured for generating a transport format combination command signal, processing the transport format combination command signal in a transport channel(**abstract, paragraphs 0019-0020, 0043, 0052 –0057, and claim 18f**), combining said transport channel with at least one other transport channel to produce a combined signal and supplying the combined signal to the transmitter means for transmission to a mobile station(**WTRU 605 of figure 6**) (i.e., this is also well known in various 3G systems as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056**), and a mobile station (i.e., Wireless Transmit Receive Unit WTRU) **605, 705**, and **1005** (**figures 6, 7, and 10 respectively**) comprising: processing means (i.e., contained w/in the WTRU) and transceiving means(i.e., contained w/in the WTRU), the processing means being configured for using

a transport format combination, specified in a transport channel received by the receiving means from said infrastructure apparatus, for subsequent transmission of speech and/or data signals(**WTRU 605 of figure 6**) (**abstract, paragraphs 0019-0020, 0043, 0052 – 0057, and claim 17**).

Consider **claim 16** and **as applied to claim 15 above**, Terry clearly show and disclose a network **600,700**, and **1000** (**figures 6, 7, and 10 respectively**) according to claim 15, wherein the processing means of the infrastructure apparatus is configured such that only commands are carried in the transport channel carrying the transport format combination command signal (i.e., Terry recognizes unique transport channels to handle signaling requirements and that individual transmissions on transport channels exist. Furthermore, Terry recognizes utilizing dedicated channels for signaling and illustrates a like concept in figure 8) (**paragraphs 0042,0044,and 0048**).

Consider **claim 17** and **as applied to claim 15 above**, Terry clearly show and disclose a network **600,700**, and **1000** (**figures 6, 7, and 10 respectively**) according to claim 15, wherein the processing means of the mobile station is configured for determining the quality of a downlink signal received by the transceiving means from the infrastructure apparatus (i.e., the methods proposed by Terry applies to both the uplink and downlink)(**paragraphs 0002, 0029, 0035, 0040 and 0042, figure 7**), supplying an indication of said quality to a transport channel(i.e., the methods proposed by Terry applies to both the uplink and downlink)(**paragraphs 0002, 0029, 0035, 0040 and 0042, figure 7**), combining said transport channel with at least one other transport channel to produce a combined signal and causing the transceiving means to transmit said combined signal to the infrastructure apparatus(i.e., this is also well known in various 3G systems

as point out by Terry)(**figures 5 and 10, paragraphs 0015, 0016, 0035, and 0048-0056, claim 17**).

Consider **claim 18** and **as applied to claim 17 above**, Terry clearly show and disclose a network according to claim 17, wherein the infrastructure apparatus includes receiving means for receiving a received signal quality report from the mobile station (contained w/in 610 figure 6 in order to receive CQI from the WTRU 605 of figure 6) and the processing means of the infrastructure apparatus is configured for generating a transport format combination command signal for said mobile station (i.e., Wireless Transmit Receive Unit WTRU) **405** (**figures 4**) in dependence on the received signal quality report(i.e., the uplinks and downlinks are adjusted based on the CRC CQI (**paragraphs 0012, 0034, and 0039**).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bysted et al. 2003/0123415.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
AU 2687
October 11, 2005

Nick Corsaro

NICK CORSARO
PRIMARY EXAMINER